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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,195	10/05/2005	Osamu Watanabe	112857-490	7320
29175	7590	10/15/2009		
K&L Gates LLP P. O. BOX 1135 CHICAGO, IL 60690			EXAMINER	
			INGVOLDSTAD, BENNETT	
			ART UNIT	PAPER NUMBER
			2427	
			NOTIFICATION DATE	DELIVERY MODE
			10/15/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary	Application No. 10/550,195	Applicant(s) WATANABE ET AL.	
	Examiner Bennett Ingvaldstad	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4 August 2009 has been entered.

Response to Arguments

Applicant's arguments filed 4 August 2009 have been fully considered.

Applicant's argues that the primary Sciammarella reference ("Sciammarella I") fails to teach the new limitations requiring that control points define a content movement curve, and that a first set of control points are fixed and a second set move in response to a movement of a selection indicator. Arguments at 9, 10. These arguments are unpersuasive.

As previously discussed, Figure 4 of Sciammarella I shows a helix curve along which cards move in response to a selection indicator. Para. 0081. The curve is defined in the X-Y plane of the display screen and thus comprises control points. Fig. 22. In response to holding the selection indicator, the radius of the helix contracts. Para. 0081. Thus at least some of the control points change position to reflect the modified shape.

As the radius of the helix is reduced, cards continue to flow through the focus outline 24, para. 0081, which is located on the movement curve, fig. 4. The control point associated with the focus outline is fixed, since the focus outline apparently does not move.

Further, since the helix is a three-dimensional projection onto a two-dimensional screen, when the radius of the helix is reduced, because of the continuous nature of the curve, at least some of the points "move" along the z-axis orthogonal to the x- and y-axes of the screen. In other words, the points would move "into" the screen, but their x- and y-coordinates would not change. For the purposes of display on the screen, these points are "fixed."

There is also a temporal aspect. Points on the helix are not moved until after selection is held for some amount of time. Para. 0081. A point belonging to a "fixed" set may later be "moved," but both sets contain a plurality of points at various times.

Therefore, Sciammarella I defines a set of points that are fixed and a set of points that are moved in response to movement of the selection indicator, and the amended claims are still met.

Claim Objections

Claim 25 is objected to because of the following informalities: "the parametric curve" lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 30, 35, and 36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to computer readable media encoded with computer programs. According to the specification, such computer readable media include transmission and communication media. See pg. 12, 2nd full paragraph. Transmission and communication media, or signals, are non-statutory subject matter. See *In re Nuijten*, 500 F.3d 1346 (Fed. Cir. 2007).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella '848 (US 2002/0033848) in view of Hayashi (US 2002/0054157).

Claim 22: Sciammarella discloses a display processing apparatus comprising a display device, an input device, a processor, and a memory (Fig. 5) for performing a process for displaying content information that is classified into genres (displaying information about data files in audio or image genre, Abstract), the display processing apparatus comprising:

configuring content cards recording content information in association with content items (thumbnail cards record content information 26 comprising file name, size, and date information, Fig. 4); and

displaying a card group including a plurality of said content cards configured in association with content items as a card group that indicates only the presence of content with the content information being hidden (the content information for each thumbnail is only visible for the selected thumbnail 25', fig. 4), and

displaying a content card selected by a user-operable selection indicator in a portion adjacent to the card group with the content information being displayed (the selected thumbnail 25' with content information 26, fig. 4); and

wherein the content information is continuously displayed according to a user selection operation (focus outline continuously displays the selected thumbnail, para. 0050, along with content information, fig. 4); and

moving the content cards along a content card movement curve (a helix, fig.4), said content curve being defined by a first and second plurality of control points (see points in X-Y plane at fig. 22), wherein in response to movement of the selection indicator;

said first plurality of control points are fixed (the point corresponding to the focus outline is fixed as cards flow through it, para. 0081; fig. 17); and

said second plurality of control points are moved (the radius reduces in response to the selection indicator, thus changing the location of the control points on the X-Y plane, para. 0081; fig. 22).

In the embodiment of Figure 4, Sciammarella displays a plurality of cards, but does not teach that all of the cards are displayed simultaneously. Hayashi teaches a similar user interface for displaying cards wherein all of the cards may be displayed simultaneously (see Figs. 7-9 and para. 0164).

It is obvious to combine known elements according to known methods to yield predictable results. Therefore, it would have been obvious to have combined the user interface of Sciammarella with the small number of data cards of Hayashi according to

the described methods of displaying the cards and for the predictable result of displaying all of the cards on the screen at the same time.

Further in a separate embodiment, Sciammarella discloses:

displaying genres corresponding to displayed content information; and

displaying the genre of the selected content information (genre bar along bottom edge of the screen, fig. 31, “Images” near the top right corner to indicate the selected genre, fig. 31).

It would have been obvious to have combined the display embodiments for the purpose of allowing the user to more easily select the genre of content for display and to see the currently displayed genre while using the helix display method (see fig. 4).

Claim 23, depending on claim 22: Sciammarella further discloses determining the manner in which each of the content cards is displayed depending on the relative position of the selection indicator in the card group (the thumbnails are scaled based on their placement within the sequence of thumbnails in relation to the selected thumbnail, fig. 4, para. 0057).

Claim 24, depending on claim 22: Sciammarella further discloses:

a) a content card at a position close to the selection indicator is set to an angle at which the content information is displayed (a content card 25' within, i.e. “close to”, the selection indicator 24 displays content information 26, fig. 4); and

b) a content card at a position far from the selection indicator is set to an angle at which the content information is hidden (other cards not within the selection indicator do not display content information 26, fig. 4).

Claim 25, depending on claim 22: Sciammarella further discloses displaying a content item selected by the selection indicator at a position on the parametric curve apart from the card group with the content information being displayed (see fig. 19; para. 0088; displaying the card group “closer” to the user than the card group by enlarging it).

Claim 26: Sciammarella teaches a display processing method corresponding to the apparatus of claim 22, the instant claim being met as discussed above.

Claim 27–29 correspond to claims 23–25 respectively and are met as such.

Claim 30: Sciammarella teaches a computer readable medium encoding a computer program for implementing the above methods.

Claims 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella ‘848 (US 2002/0033848) in view of Hayashi (US 2002/0054157) and Sciammarella ‘940 (US 6281940).

Claims 31, 33, and 35: Sciammarella ‘848 does not further disclose wherein the genre is based on an electronic program guide.

Sciammarella ‘940 discloses a graphical user interface that is similar to the ‘848 reference’s GUI. The ‘848 GUI is used to preview image and audio files, ‘848 Abstract, whereas the ‘940 GUI is used to preview broadcast media programs, ‘940 Abstract. The ‘940 GUI is an electronic program guide, Figs. 4 and 7a-c, by virtue of comprising selectable broadcast media channels.

It would have been obvious to have modified the '848 reference's GUI to have been an EPG, the genres being selectable via the EPG and "based on" an EPG, for the purpose of previewing and displaying additional types of media such as broadcast media for selection, '940 col. 1, lls. 17-19.

Claims 32, 34, and 36: Sciammarella '848 does not further disclose wherein the genres include news and drama.

Sciammarella '940 discloses that genres such as movies or news, col. 6, lls. 19-28, may include subgenres such as drama, col. 2, lls. 27-32.

Therefore it would have been obvious to modify the genres of Sciammarella '848 (e.g. movies, '848 fig. 31) to comprise the "news" genre and subgenres such as drama, for the purpose of further categorizing broadcast programs, allowing easier selection of a desired type of program.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvoldstad whose telephone number is (571) 270-3431. The examiner can normally be reached on M–F 9–5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2427

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bennett Ingvaldstad/
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427